

**SCOTTSDALE AIRPORT ADVISORY COMMISSION AND
SCOTTSDALE PLANNING COMMISSION
JOINT WORK STUDY SESSION
NOTICE AND AGENDA**



**Wednesday, February 29, 2012
6:00 p.m.
Scottsdale Airport Terminal Lobby
15000 N. Airport Drive, Scottsdale, AZ**

AIRPORT ADVISORY COMMISSION

Michael Goode, Chair
William Bergdoll, Vice Chair
Ken Casey
William Schuckert

Gunnar Buzzard
Bob Hobbi
Steve Ziomek

PLANNING COMMISSION

Michael D'Andrea, Chair
Ed Grant, Vice Chair
Matthew Cody
Erik Filsinger

David Brantner
Michael Edwards
Jay Petkunas


Call to Order

Roll Call

1. Overview and possible discussion of the Scottsdale Airport and Scottsdale Airport Advisory Commission including the Commission's roles, responsibilities, and legal requirements.
Staff contact: Gary P. Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
2. Overview and possible discussion of the Scottsdale Planning Commission, including the Commission's roles, responsibilities, and legal requirements.
Staff contact: Tim Curtis, Current Planning Director, 480-312-2506, tcurtis@scottsdaleaz.gov
3. Discussion and Input regarding the land use application and approval process in the airport vicinity and airport influence area, which will include a discussion on the relationship between and the respective roles and responsibilities of the Planning Commission and Airport Advisory Commission in the land use application and approval process in this area.
Staff contacts: Gary P. Mascaro, Aviation Director, 480-312-7735, gmascaro@scottsdaleaz.gov
Tim Curtis, Current Planning Director, 480-312-2506, tcurtis@scottsdaleaz.gov

Adjournment

Work Study Session provides a less formal setting for the Commission to discuss specific topics, at length, with each other and city staff; to provide an opportunity for the public to observe these discussions or to share information with the public; and for staff to receive direction from the Commission. There will be public comment cards available for the public to address the commission during this work study session.

 Persons with a disability may request a reasonable accommodation by contacting Theresa Smith at Airport Administration (480-312-2321). Requests should be made 24 hours in advance or as early as possible to allow time to arrange accommodation.



**SCOTTSDALE AIRPORT ADVISORY
COMMISSION & PLANNING COMMISSION
JOINT WORK STUDY SESSION
INFORMATION REPORT**

Agenda Item Nos.: 1 - 3

Meeting Date: 02/29/12

Staff Contact: Gary P. Mascaro,
Aviation Director; Tim Curtis,
Current Planning Director

Phone: 312-7735 / 312-7000

ITEM 1

PURPOSE

The purpose of this item is to discuss the following:

- Brief overview of the Scottsdale Airport
- Roles, responsibilities and legal requirements of the Airport Advisory Commission
- Introduction of the Airport Advisory Commissioners

ITEM 2

PURPOSE

The purpose of this item is to discuss the following:

- Roles, responsibilities and legal requirements of the Planning Commission
- Introduction of the Planning Commissioners

ITEM 3

PURPOSE

The purpose of this item is to discuss the following:

- Roles and Responsibilities of the Airport Advisory Commission specific to land use review
- The evaluation criteria and review process when the Airport Advisory Commission makes a recommendation in accordance with the Scottsdale Revised Code – Chapter 5 – Aviation
- The review process for the Aviation Department for developments within the Airport Influence Area, as outlined in the Part 150 Noise Compatibility Study
- Roles and Responsibilities of the Planning Commission

Attachments: 1. Scottsdale Revised Code, Chapter 5, Section 5-109 (4)(7)
2. Scottsdale Airport Advisory Commission By-Laws
3. Arizona Revised Statutes pertaining to Planning Commission
4. Scottsdale Zoning Ordinance Section 1.600 pertaining to the Planning Commission
5. Scottsdale Planning Commission By-Laws
6. Scottsdale Airport Part 150 Noise Compatibility Study – Executive Summary
7. Scottsdale Airport Vicinity Development Guidelines and Checklist (Short Form)

Sec. 5-109. - Airport advisory commission.

- (a) There is created a Scottsdale Airport Advisory Commission consisting of seven (7) members.
- (b) The airport advisory commission shall establish bylaws to govern its affairs. The bylaws shall designate:
 - (1) Officers of the airport advisory commission, the time and manner of their election, the term of office and the powers and duties of each officer.
 - (2) The time, place and manner of notice of all regular and special meetings.
 - (3) The manner of adoption, amendment and repeal of airport advisory commission bylaws.
 - (4) Such other provisions as may be deemed necessary or desirable which are not contrary to the provisions of any ordinance or resolution, the charter or the laws of the state or the United States, to aid the airport advisory commission in conducting its affairs.
- (c) The airport advisory commission shall, with the assistance of the city staff, advise the city council as necessary on:
 - (1) The airport capital improvement program and financial plan.
 - (2) Rules, regulations, and minimum operating standards under this chapter.
 - (3) Environmental policies affecting airport operations and airport projects.
 - (4) Aviation-related development proposals at and surrounding the airport or other development proposals in conflict with 14 C.F.R. Part 150, as amended, or other aviation-related laws, ordinances, rules, regulations or planning documents. In addition to advising the city council, the airport advisory commission may take action to inform the planning commission of such conflicts.
 - (5) Fees imposed by the city in connection with the airport and the airport.
 - (6) Lease policies regarding city-owned property at the airport.
 - (7) Land use policies at and surrounding the airport in conflict with 14 C.F.R. Part 150, as amended, or other aviation-related laws, ordinances, rules, regulations or planning documents. In addition to advising the city council, the airport advisory commission may take action to inform the planning commission of such conflicts.
 - (8) The future role of the airport as part of the statewide air transportation system.
 - (9) Safety matters under the jurisdiction of the airport.
 - (10) Such other matters as the city council may direct.
- (d) At the request of the city council, the airport advisory commission shall submit a written report regarding airport activities.
- (e) The airport advisory commission shall perform such other duties as are imposed on the airport advisory commission by this chapter.
- (f) The city council shall have the right and prerogative to initiate review of any decision of the airport advisory commission and shall uphold, modify, or overrule said decision.

(Code 1972, §§ 3-601—3-604; Ord. No. 3177, § 1, 12-14-98; Ord. No. 3793, § 1, 7-1-08)

Charter reference— Membership restrictions and requirements for boards, commissions, etc., art. 5, §§ 1, 2.

State law reference— Membership on boards, commissions, etc., § 2-241.

BY-LAWS OF THE SCOTTSDALE AIRPORT ADVISORY COMMISSION**I. ORGANIZATION****101. Elections**

The Commission shall, in regular session following the first meeting of the calendar year, elect from its members a Chair and Vice-Chair. The term of office shall be one year and no officer shall succeed him or herself more than once.

102. Chair

The Chair shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform all duties required by Section 5-109 of the Scottsdale Revised Code. The Chair may initiate motions, engage in protracted discussions, and vote on each issue.

103. Vice-Chair

The Vice-Chair shall be the Acting Chair and shall perform all duties of the office whenever the Chair is absent.

104. Vacancy

Should the office of Chair be vacated, the Vice-Chair shall succeed the Chair for the remaining term of office. At the next regular Commission meeting, a new election shall be held for the Vice-Chair's office. Should the Vice-Chair office be vacated, a new election shall be held at the next regular Commission meeting to elect a Vice-Chair.

105. Subcommittees

A subcommittee of the Commission may only be authorized by the City Council, in accordance with the Scottsdale Revised Code.

106. Legal Counsel

The City Attorney, or the City Attorney's designated representative, shall be the legal counsel for the Commission. Advice of counsel shall be received and entered in the minutes before disposition of any question of law or matter requiring legal interpretation or advice.

II. MEETINGS**201. Study Sessions**

Study sessions of the Commission shall be held on the second Wednesday of each month at 6:00 p.m., unless otherwise scheduled by majority vote of its members.

202. Regular Meetings

Regular meetings of the Commission shall be held on the second Wednesday of each month immediately following the study session, unless otherwise scheduled by majority vote of its members. In the event the Commission desires not to hold the preceding study

session, the regular meeting shall begin at 6:00 p.m., unless otherwise scheduled by majority vote of its members.

203. Special Meetings

Special meetings may be held by the Commission on the majority vote of its members, or on the call of its Chair, which call shall be filed with the Aviation Director. The manner of the call shall be noted in the minutes of the special meeting, and at least twenty-four (24) hours notice of the meeting shall be given to each member. The Aviation Director shall receive forty-eight (48) hours notice and shall post meeting notices at least twenty-four (24) hours before any such meeting.

204. Executive Session

Executive sessions may be held before or after any regular or special meeting, or at any other time on call of the Chair, which shall be filed with the Aviation Director, or by majority vote of the members. The Aviation Director shall post meeting notices at least twenty-four (24) hours before any such meeting.

205. Quorum

A quorum necessary for the transaction of business shall consist of four (4) members of the Commission. The business of the Commission shall be transacted by the majority vote of members present, except as provided in Section 401.

206. Absence of the Chair and Vice-Chair

In the absence of the Chair and Vice-Chair, the senior Commission member present may convene the meeting.

207. Member Attendance

Commission members shall follow the attendance requirements in accordance with the Scottsdale Revised Code.

208. Public Comment, Presentations, Time Limitations

The Chair, may provide additional time to members of the public, whether speaking on their own behalf or as a representative of an organization or group, over three (3) minutes on any matter.

209. Agenda Items

The Aviation Director will place items on the agenda with the concurrence of the Chair, or by a majority vote of the members of the Commission.

210. Conflict of Interest

All members of the Commission shall comply with the State Conflict of Interest Law, Title 38, Chapter 3, Article 8, Arizona Revised Statutes.

211. Abstention

Any member who may subjectively believe participating in discussion or voting on cases coming before the Commission could give the appearance to the general public of a conflict of interest may voluntarily abstain from participating in such cases.

III. OFFICIAL RECORDS

301. Definition

The official record shall include these by-laws, and the minutes of the Commission meetings, together with all applications, exhibits, correspondence, findings, decisions and other official actions or other items filed with or issued by the Commission.

302. Recording of Vote

Minutes shall be kept for all meetings of the Commission and shall show the vote of each member on every question on which the Commission is required to act, or shall indicate absence. Minutes shall also show records of all other official actions.

303. Retention of Files

All applications and other matters coming before the Commission shall be filed in the Aviation Department in accordance with that department's general file system. The Aviation Director shall keep a permanent file of all applications, exhibits, findings, correspondence, decisions and other official actions of the Commission. The tape recordings of the public hearings of the Commission, if any, shall be retained intact for not less than thirty (30) days after the City Council shall make a final decision in the specific subject on the tape. Original applications shall be retained as long as is required by standard City procedure.

304. Public Record

In accordance with Arizona public record law, all of the public records of the Commission shall be open to public inspection during normal business hours.

IV. RULES AND AMENDMENTS

401. Amendment Procedure

Amendments to these by-laws may be made by the Commission upon the affirmative vote of four (4) members, provided any such amendment is proposed at a preceding meeting, or is submitted in writing at a prior regular meeting of the Commission and is noted in the minutes of such meeting. Amendments adopted as above shall become effective at the next regular meeting of the Commission.

402. Copy of By-Laws

A certified copy of these by-laws and any amendments thereto shall be placed on record in the Aviation Department and the City Clerk within ten (10) days of the date of their adoption.

403. Robert's Rules of Order

When any question of parliamentary procedure arises, it shall be decided on the basis of Robert's Rules of Parliamentary Procedure, unless otherwise specified in these by-laws of the Commission.

404. Written Communications

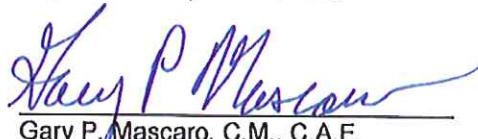
All written communications to outside groups shall be sent out over the signature of the Chair or Vice-Chair of the Commission.

405. Interpretation and Conflict

In the event that any Commission by-law shall be at variance with any State statute or any ordinance or resolution of the City of Scottsdale, the statute, ordinance, or resolution shall prevail. These by-laws are intended only to supplement such ordinance and resolutions and may not amend, annul or abrogate any ordinance or resolution of the City of Scottsdale.

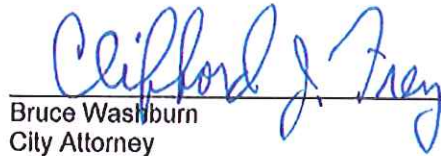

Gunnar Buzzard, Chair
Airport Advisory Commission

Date 12-14-2011


Gary P. Mascaro, C.M., C.A.E.
Aviation Director

Date 12-14-11

APPROVED AS TO FORM:


Bruce Washburn
City Attorney

Date 12/14/11

By Clifford J. Frey
Senior Assistant City Attorney

9-461.02 - Planning commission; creation; limitations

9-461.02. Planning commission; creation; limitations

If a municipal planning commission is created, the organization, number of members, the terms of office and the method of appointment and removal shall be as provided by local ordinance, except that each municipal planning commission shall have at least five members.

9-461.06. Adoption and amendment of general plan; expiration and readoption

A. In municipalities that have territory in a high noise or accident potential zone as defined in section 28-8461, the legislature finds that in general plans and amendments to general plans land use compatibility with the continued operation of a military airport or ancillary military facility as defined in section 28-8461 is a matter of statewide concern.

B. The general plan and any amendment to such plan shall be adopted or readopted in the manner provided in this article.

C. The governing body shall:

1. Adopt written procedures to provide effective, early and continuous public participation in the development and major amendment of general plans from all geographic, ethnic and economic areas of the municipality. The procedures shall provide for:

- (a) The broad dissemination of proposals and alternatives.
- (b) The opportunity for written comments.
- (c) Public hearings after effective notice.
- (d) Open discussions, communications programs and information services.
- (e) Consideration of public comments.

2. Consult with, advise and provide an opportunity for official comment by public officials and agencies, the county, school districts, associations of governments, public land management agencies, the military airport if the municipality has territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, other appropriate government jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners and citizens generally to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the general plan.

D. At least sixty days before the general plan or an element or major amendment of a general plan is noticed pursuant to subsection E of this section, the planning agency shall transmit the proposal to the planning commission, if any, and the governing body and shall submit a copy for review and further comment to:

- 1. The planning agency of the county in which the municipality is located.
- 2. Each county or municipality that is contiguous to the corporate limits of the municipality or its area of extraterritorial jurisdiction.
- 3. The regional planning agency within which the municipality is located.
- 4. The department of commerce or any other state agency that is subsequently designated as the general planning agency for this state.
- 5. The department of water resources for review and comment on the water resources element, if a water

resources element is required.

6. If the general plan or an element or amendment of the general plan is applicable to territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the military airport.

7. If the general plan or an element or major amendment of the general plan is applicable to property in the high noise or accident potential zone of a military airport or ancillary military facility as defined in section 28-8461, the attorney general. For the purposes of this paragraph, "major amendment" means a substantial alteration of the municipality's land use mixture or balance as established in the municipality's existing general plan land use element.

8. Any person or entity that requests in writing to receive a review copy of the proposal.

E. If the municipality has a planning commission, after considering any recommendations from the review required under subsection D of this section the planning commission shall hold at least one public hearing before approving a general plan or any amendment to such plan. When the general plan or any major amendment is being adopted, planning commissions in municipalities having populations over twenty-five thousand persons shall hold two or more public hearings at different locations within the municipality to promote citizen participation. Notice of the time and place of a hearing and availability of studies and summaries related to the hearing shall be given at least fifteen and not more than thirty calendar days before the hearing by:

1. Publication at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, the notice shall be posted in at least ten public places in the municipality.

2. Such other manner in addition to publication as the municipality may deem necessary or desirable.

F. Action by the planning commission on the general plan or any amendment to the plan shall be transmitted to the governing body of the municipality.

G. Before adopting the general plan, or any amendment to it, the governing body shall hold at least one public hearing. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection E of this section.

H. The adoption or readoption of the general plan or any amendment to such plan shall be by resolution of the governing body of the municipality, after notice as provided for in subsection E of this section. The adoption or readoption of or a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the governing body of the municipality. All major amendments to the general plan proposed for adoption by the governing body of a municipality shall be presented at a single public hearing during the calendar year the proposal is made. The general plan, or any amendment to the plan, shall be endorsed in the manner provided by the governing body to show that it has been adopted by the governing body. If the municipality includes property in the high noise or accident potential zone of a military airport or ancillary military facility as defined in section 28-8461, the governing body of the municipality shall send notice of the approval, adoption or readoption of the general plan or major amendment to the general plan to the attorney general by certified mail, return receipt requested, within three business days after the approval, adoption or readoption. If the attorney general determines the approval, adoption or readoption of the general plan or

major amendment to the general plan is not in compliance with section 28-8481, subsection J, the attorney general shall notify the municipality by certified mail, return receipt requested, of the determination of noncompliance. The municipality shall receive the notice from the attorney general within twenty-five days after the notice from the municipality to the attorney general is mailed pursuant to this subsection. The effective date of any approval, adoption or readoption of, or major amendment to, the general plan shall be thirty days after the governing body's receipt of the attorney general's determination of noncompliance. Within thirty days after the receipt of a determination of noncompliance by the attorney general as prescribed by this section, the governing body of the municipality shall reconsider any approval, adoption or readoption of, or major amendment to, the general plan that impacts property in the high noise or accident potential zone of a military airport or ancillary military facility as defined in section 28-8461. If the governing body reaffirms a prior action subject to an attorney general's determination of noncompliance pursuant to this section, the attorney general may institute a civil action pursuant to section 28-8481, subsection L. If the governing body timely sends notice pursuant to this subsection and the attorney general fails to timely notify the governing body of a determination of noncompliance, the general plan or major amendment to the general plan shall be deemed to comply with section 28-8481, subsection J. If the motion to adopt or readopt a general plan or an amendment to the general plan fails to pass, the governing body may reconsider the motion in any manner allowed by the governing body's rules of procedure, but any subsequent motion for the adoption or readoption of the general plan or a major amendment to the general plan must be approved by an affirmative vote of at least two-thirds of the members of the governing body. For the purposes of this subsection, "major amendment" means a substantial alteration of the municipality's land use mixture or balance as established in the municipality's existing general plan land use element. The municipality's general plan shall define the criteria to determine if a proposed amendment to the general plan effects a substantial alteration of the municipality's land use mixture or balance as established in the municipality's existing general plan land use element.

I. If the municipality does not have a planning commission, the only procedural steps required for the adoption of the general plan, or any amendment to such plan, shall be those provided in this article for action by the governing body.

J. A copy of the adopted general plan of a municipality shall be sent to the planning agency of the county within which the municipality is located, and such plan or any portion of the plan may be adopted as a part of the county general plan.

K. A general plan, with any amendments, is effective for up to ten years from the date the plan was initially adopted and ratified pursuant to subsection M of this section, or until the plan is readopted pursuant to this subsection and ratified pursuant to subsection M of this section or a new plan is adopted pursuant to this subsection and ratified pursuant to subsection M of this section, and becomes effective. On or before the tenth anniversary of the plan's most recent adoption, the governing body of the municipality shall either readopt the existing plan for an additional term of up to ten years or shall adopt a new general plan as provided by this article.

L. Except for general plans that are required to be submitted to the voters for ratification pursuant to subsection M of this section, the adoption or readoption of a general plan, and any amendment to a general plan, shall not be enacted as an emergency measure and is subject to referendum as provided by article IV, part 1, section 1, subsection (8), Constitution of Arizona, and title 19, chapter 1, article 4.

M. The governing body of a city or town having a population of more than two thousand five hundred persons but less than ten thousand persons and whose population growth rate exceeded an average of two per cent per year for the ten year period before the most recent United States decennial census, and any city or town having a population of ten thousand or more persons, shall submit each new general

plan adopted pursuant to subsection K of this section to the voters for ratification at the next regularly scheduled municipal election or at a special election scheduled at least one hundred twenty days after the governing body adopted the plan pursuant to section 16-204. The governing body shall include a general description of the plan and its elements in the municipal election pamphlet and shall provide public copies of the plan in at least two locations that are easily accessible to the public and may include posting on the municipality's official internet website. If a majority of the qualified electors voting on the proposition approves the new plan, it shall become effective as provided by law. If a majority of the qualified electors voting on the proposition fails to approve the new plan, the current plan remains in effect until a new plan is approved by the voters pursuant to this subsection. The governing body shall either resubmit the proposed new plan, or revise the new plan as provided by this section, for subsequent submission to the voters at the next regularly scheduled municipal election or at a special election scheduled at least one hundred twenty days after the governing body readopted the new or revised new plan. All subsequent adoptions and submissions of the new plan or revised plans must comply with the procedures prescribed by this section until the plan is ratified.

N. In applying an open space element or a growth element of a general plan a municipality shall not designate private land or state trust land as open space, recreation, conservation or agriculture unless the municipality receives the written consent of the landowner or provides an alternative, economically viable designation in the general plan or zoning ordinance, allowing at least one residential dwelling per acre. If the landowner is the prevailing party in any action brought to enforce this subsection, a court shall award fees and other expenses to the landowner. A municipality may designate land as open space without complying with the requirements of this subsection if the land was zoned as open space and used as a golf course pursuant to a zoning ordinance adopted pursuant to article 6.1 of this chapter before May 1, 2000 and the designation does not impose additional conditions, limitations or restrictions on the golf course, unless the land is state trust land that was not planned and zoned as open space pursuant to title 37, chapter 2, article 5.1.

O. A person, after having participated in the public hearing pursuant to subsection H of this section, may file a petition for special action in superior court to review the governing body's decision that does not comply with the mandatory requirement prescribed in section 9-461.05, subsection C, paragraph 1, subdivision (g) within thirty days after the governing body has rendered its decision. The court may affirm, reverse or remand to the governing body, in whole or in part, the decision reviewed for further action that is necessary to comply with the mandatory requirements prescribed in section 9-461.05, subsection C, paragraph 1, subdivision (g).

9-461.09. Procedure for adoption of specific plans and regulations

A. If a municipality has a planning commission, the planning commission shall hold at least one public hearing on a specific plan or regulation prior to any hearing by the legislative body. Notice of the time and place of such hearing shall be given at least fifteen and not more than thirty calendar days before the hearing by:

1. Publication at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, by posting in at least ten public places in the municipality.
2. Such other manner in addition to publication as the municipality may deem necessary or desirable.

B. A copy of any specific plan, regulation or amendment together with the recommendation of the planning commission shall be submitted to the legislative body accompanied by a statement of the planning commission's reasons for such recommendation.

C. Upon receipt of a copy of any proposed specific plan, regulation or amendment of such plan or regulation, the legislative body may by ordinance or resolution adopt the plan or regulation. Before adopting the proposed specific plan or regulation, the legislative body shall hold at least one public hearing. Notice of the time and place of such hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as provided in subsection A. The specific plan or regulation, as adopted, shall be designated as a specific plan or regulation.

D. If the municipality does not have a planning commission, the only procedural steps required for the adoption of a specific plan, regulation or any amendment to a specific plan or regulation are those provided in this article for action by the legislative body.

9-462.04. Public hearing required

A. If the municipality has a planning commission or a hearing officer, the planning commission or hearing officer shall hold a public hearing on any zoning ordinance. Notice of the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least fifteen days before the hearing in the following manner:

1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, it shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten public places in the municipality. A posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing.

2. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land. In proceedings involving rezoning of land that is located within the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the municipality shall send copies of the notice of public hearing by first class mail to the military airport. In addition to notice by publication, a municipality may give notice of the hearing in such other manner as it may deem necessary or desirable.

3. In proceedings that are not initiated by the property owner involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred feet of the property to be rezoned.

4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 5:

(a) A ten per cent or more increase or decrease in the number of square feet or units that may be developed.

(b) A ten per cent or more increase or reduction in the allowable height of buildings.

(c) An increase or reduction in the allowable number of stories of buildings.

(d) A ten per cent or more increase or decrease in setback or open space requirements.

(e) An increase or reduction in permitted uses.

5. In proceedings governed by paragraph 4, the municipality shall provide notice to real property owners pursuant to at least one of the following notification procedures:

(a) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.

(b) If the municipality issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the municipality shall include notice of such changes with such

utility bills or other mailings.

(c) The municipality shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the municipality. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

6. If notice is provided pursuant to paragraph 5, subdivision (b) or (c), the municipality shall also send notice by first class mail to persons who register their names and addresses with the municipality as being interested in receiving such notice. The municipality may charge a fee not to exceed five dollars per year for providing this service and may adopt procedures to implement this paragraph.

7. Notwithstanding the notice requirements set forth in paragraph 4, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which the notice was given.

B. If the matter to be considered applies to territory in a high noise or accident potential zone as defined in section 28-8461, the notice prescribed in subsection A of this section shall include a general statement that the matter applies to property located in the high noise or accident potential zone.

C. After the hearing, the planning commission or hearing officer shall render a decision in the form of a written recommendation to the governing body. The recommendation shall include the reasons for the recommendation and be transmitted to the governing body in such form and manner as may be specified by the governing body.

D. If the planning commission or hearing officer has held a public hearing, the governing body may adopt the recommendations of the planning commission or hearing officer without holding a second public hearing if there is no objection, request for public hearing or other protest. The governing body shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body, or, in any case, if no public hearing has been held by the planning commission or hearing officer. In municipalities with territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the governing body shall hold a public hearing if, after notice is transmitted to the military airport pursuant to subsection A of this section and before the public hearing, the military airport provides comments or analysis concerning the compatibility of the proposed rezoning with the high noise or accident potential generated by military airport or ancillary military facility operations that may have an adverse impact on public health and safety, and the governing body shall consider and analyze the comments or analysis before making a final determination. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection A of this section. In addition a municipality may give notice of the hearing in such other manner as it may deem necessary or desirable.

E. A municipality may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to land previously zoned by the county and annexed by the municipality, but in no event for longer than six months after the annexation.

F. A municipality is not required to adopt a general plan prior to the adoption of a zoning ordinance.

G. If there is no planning commission or hearing officer, the governing body of the municipality shall perform the functions assigned to the planning commission or hearing officer.

H. If the owners of twenty per cent or more either of the area of the lots included in a proposed change,

or of those immediately adjacent in the rear or any side thereof extending one hundred fifty feet therefrom, or of those directly opposite thereto extending one hundred fifty feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the governing body of the municipality. If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.

I. In applying an open space element or a growth element of a general plan, a parcel of land shall not be rezoned for open space, recreation, conservation or agriculture unless the owner of the land consents to the rezoning in writing.

J. Notwithstanding the provisions of section 19-142, subsection B, a decision by the governing body involving rezoning of land which is not owned by the municipality and which changes the zoning classification of such land may not be enacted as an emergency measure and such change shall not be effective for at least thirty days after final approval of the change in classification by the governing body.

Sec. 1.600. - PLANNING COMMISSION.

Sec. 1.601. - Powers of the Planning Commission.

The Planning Commission shall hold public hearings as required by law and make recommendations to the City Council on all matters concerning or relating to General Plan amendments, zoning district map amendments, zoning ordinance text amendments, conditional use permits, municipal use master plans and abandonments and any other matters within the scope of the planning and zoning powers available to cities in Arizona. The Planning Commission acts as an advisory board to the City Council on land use and zoning matters. The Planning Commission is also authorized to confer with other advisory commissions.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.602. - Organization.

There is hereby created a Planning Commission.

A. The Planning Commission shall consist of seven (7) members who shall be appointed by the City Council. The length of term and other conditions of appointment are set forth in Section 2-241 of the Scottsdale Revised Code. The members of the Planning Commission shall serve without compensation.

B. The Planning Commission may adopt rules and by-laws as it deems necessary for matters relative to its work and administration of its duties.

(Ord. No. 2830, § 1, 10-17-95)

Charter reference— Boards, commissions, etc., art. 5, § 1 et seq.

Sec. 1.603. - Election of officers.

The Planning Commission shall elect its own chairman and vice-chairman. The secretary to the Zoning Administrator shall serve as the secretary of the Planning Commission. The Zoning Administrator shall sign all reports and recommendations to the City Council and, when desired, furnish the council with the facts as to the adoption of any such report or recommendation and particularly with reference to the number of members of the Planning Commission who participated at the meeting at which any such report or recommendation was authorized, and such other information as to the work of the Planning Commission as the City Council may request.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.604. - Planning Commission hearings; report to City Council.

All development applications for General Plan amendments, zoning map amendments, zoning ordinance text amendments, conditional use permits, municipal use master plans and abandonments shall first be submitted to the Planning Commission. The Planning Commission shall hold a public hearing in relation to the proposed development application at which citizens shall have an opportunity to be heard. The Planning Commission shall then make a recommendation to the City Council.

The City Council or City Manager may submit other proposed city policies related to the General Plan to the Planning Commission on which to hold a public hearing and to make a recommendation to the City Council.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.605. - Hearing and notice of Planning Commission meetings for zoning map amendments, zoning ordinance text amendments, conditional use permits, municipal use master plans and abandonments.

The notice of Planning Commission meetings shall include the date, time and place of the meeting, general explanations of the matters to be considered and general descriptions of the areas affected. Such notice shall be given at least fifteen (15) days before the hearing in the following manner:

A. The notice shall be published at least once in a newspaper of general circulation published or circulated in the City of Scottsdale. If there is no such newspaper, it shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten (10) public places in the municipality. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet: The word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing.

B. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land. In addition to notice of publication, the city may give notice of the hearing in such other manner as it may deem necessary or desirable.

C. In proceedings that are not initiated by the property owner involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property, to be rezoned.

D. In proceedings involving one (1) or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph E. of this Section 1.605

(1) A ten (10) percent or more increase or decrease in the number of square feet or units that may be developed.

(2) A ten (10) percent or more increase or reduction in the allowable height of buildings.

(3) An increase or reduction in the allowable number of stories of buildings.

(4) A ten (10) percent or more increase or decrease in setback or open space requirements.

(5) An increase or reduction in permitted uses.

E. In proceedings governed by paragraph D. of this section, the city shall provide notice to real property owners pursuant to at least one (1) of the following notification procedures:

(1) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.

(2) If the city issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the municipality shall include notice of such changes with such utility bills or other mailings.

(3) The city shall publish such requested changes prior to the first hearing on such changes in a newspaper of general circulation in the city. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

F. If notice is provided pursuant to subparagraphs (2) or (3) of paragraph E., the city shall also send notice by first class mail to persons who register their names and addresses with the city as being interested in receiving such notice. The city may charge a fee in conformance with state law for providing this service.

G. Notwithstanding the notice requirements set forth in paragraph E. of this section the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the city for which the notice as given.

(Ord. No. 2292, 6-5-90; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3225, §§ 1—4, 5-4-99; Ord. No. 3378, § 1, 6-4-01)

Sec. 1.606. - Hearing and notice of Planning Commission meetings on General Plan amendments.

The Planning Commission shall hold at least one (1) public hearing before making a recommendation on a General Plan or any amendment to such plan. When the initial General Plan or any major amendment to an existing General Plan is being considered, the Planning Commission shall hold two (2) or more public hearings at different locations within the city. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by:

A. Publication at least once in a newspaper of general circulation published or circulated in the city, or if there is none, the notice shall be posted in at least ten (10) public places in the city.

B. Such other manner in addition to publication as the city may deem necessary or desirable.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.607. - Action of Planning Commission.

Upon completion of the public hearing on a development application, the Planning Commission shall within fifteen (15) days of its public hearing transmit a copy of its findings and recommendations to the applicant and the City Council. The report of the Planning Commission shall be numbered consecutively in the order of filing and become a permanent record of the Planning Commission and the City Clerk.

A. The findings of the Planning Commission on a zoning map amendment shall include a determination that the proposed zoning map amendment is consistent with the adopted General Plan.

B. The findings of the Planning Commission on a conditional use permit shall be pursuant to Section 1.401

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.608. - Failure of Planning Commission to report on a development application.

The Planning Commission shall report to the City Council on development applications within ninety (90) days after the filing of the application. The reports shall be a recommendation of approval, denial or continuance. If after twelve (12) months after the filing of the application the Planning Commission has not forwarded a recommendation for approval or denial, the City Council may direct the Planning Commission to recommend either approval or denial within a time period specified by the City Council.

(Ord. No. 2830, § 1, 10-17-95)

BY-LAWS OF THE SCOTTSDALE PLANNING COMMISSION

1. ORGANIZATION

101. Chairman

The Commission shall be organized as provided in Ordinance #455. The Commission shall, at its first meeting ~~every January of the calendar year~~, elect a ~~Chairman~~ from among its appointed members. The ~~Chairman~~ shall preside at all meetings and hearings of the Commission, decide all points of order or procedure, and perform any duties required by the ordinance or these rules. The ~~Chairman~~ shall be eligible for reelection. The ~~Chairman~~ may not initiate motions or ~~engage in protracted~~ monopolize the discussions, but will vote on each issue.

102. Vice Chairman

The commission shall, at its first meeting ~~every January of the calendar year~~, elect a Vice ~~Chairman~~ from among its appointed members, who shall serve in the absence of the ~~Chairman~~. The Vice ~~Chairman~~ shall be eligible for reelection.

103. Vacancy

Vacancies for ~~Chairman~~ or Vice ~~Chairman~~ created by any cause shall be filled for the unexpired term by a new election. Such election shall take place at the next regularly scheduled meeting of the Commission, and those elected shall not be considered as having served a full term.

104. Secretary

The Secretary to the Commission shall be defined in Ordinance #455. It shall be the duty of the Secretary, or a designated representative, to conduct all official correspondence of the Commission; send out all notices required by the Ordinance or these rules; to perform all the customary duties of the office; and to perform any such clerical duties as shall be reasonably requested by the ~~Chairman~~.

105. Committees

~~The Commission may appoint such committees as it feels necessary on any subject pertinent to the matters being heard by, and of natural concern to, the Commission.~~ The Commission may recommend to City Council the appointment of such Committees as the Commission feels necessary on any subject pertinent to the matters being heard by the Commission. These committees shall may be empowered to meet with the Planning Department, City Council, Board of Adjustment, City Staff or any other such official body, and

shall make such reports to the Commission as may be requested by a majority vote of the members of the Commission.

II. MEETINGS

201. Regular Meetings

Regular meetings of the Commission, if to be held, shall be held on the second and fourth Wednesday of each month, or as otherwise approved by the Planning Commission.

202. Special Meetings

Special meetings for good cause may be held by the Commission on call by its Chair~~man~~ or by a majority of its members, which call shall be filed with the Secretary, or as may be scheduled by a majority of the members at any previous meeting. The manner of the call shall be noted in the minutes of the special meeting, and at least twenty-four (24) hours' notice of the meeting shall be given to each member. The Secretary shall receive forty-eight (48) hours' notice and shall post meeting notices twenty-four (24) hours before such meeting.

203. Public Hearings and Study Sessions

All hearings and study sessions of the Commission shall be open to the public. Study sessions of the Commission may be scheduled on the same day as Commission meetings. A Study Session is utilized for administrative matters pertaining to the Commission, for the staff and commission members to review Commission meeting agenda items, and for matters that are non-action. Public comments or applicant presentations shall not be permitted during a Study Session. Commission members may ask questions of an applicant or the public, in order to obtain a clarification or relevant information regarding an agenda item. Any action calling for a formal vote shall take place only at a public hearing meeting.

204. Quorum and Tie Votes

A quorum necessary for the transaction of business shall consist of four (4) members of the Commission. The business of the Commission shall be transacted by the majority vote of members present, except as provided in Sections 305. and 401. In making its recommendation to the city council to approve, deny or continue a development application, a tie vote of the members shall be considered a recommendation to deny. In the event of a tie vote, a member that voted in the negative may, in the same meeting, offer a motion to continue the case to a future meeting of the Commission.

205. Member Attendance

~~If any member of the Commission shall be absent from three (3) consecutive hearings without good cause and prior notice to the Secretary or the Chairman, the Chairman shall bring the matter before the City Council for review.~~ In the event that a member is unwilling or unable to serve, or if any member is absent or tardy from three (3) consecutive meetings, or four (4) meetings within a six (6) month period, then the Chair shall notify the Mayor or the Mayor's designee so that the consideration of removal and replacement of the member may be scheduled for City Council action.

206. Applicant Attendance

The applicant, or an authorized agent or agents, in any case being heard before the Commission shall be present in person unless the Planning Director or the Chairman of the Commission has been notified of the absence, in writing, prior to the public hearing. If the applicant or his authorized agent or agents shall not present such notice and shall not appear before the Commission as regularly scheduled, the application scheduled for hearing may be continued. If the applicant or his authorized agent or agents fail to appear as scheduled three (3) times, such failure may be deemed sufficient cause for recommendation for denial.

207. Conflict of Interest

All members of the Commission shall comply with the State Conflict-of-Interest law, Title 38, Chapter 3, Article 8, Arizona Revised Statutes and the City's Code of Ethical Behavior, Article II, Division 3 of the Scottsdale Revised Code.

~~208. Abstention~~

~~Any member who may subjectively believe participating in discussion or voting on cases coming before the Commission could give the appearance to the general public of a conflict of interest may voluntarily abstain from participation in such cases.~~

208. Reconsiderations

The Commission shall not hear or consider the reconsideration of any decision unless a motion for reconsideration is made prior to adjournment of the meeting when the decision was made. A motion for reconsideration can only be made by a Commission Member on the winning side of the motion to be reconsidered.

III. OFFICIAL RECORDS

Definition

The official records shall include the Zoning Ordinance and the amendments thereto, these rules and procedures, the minutes of the Commission, together with all findings, maps and other official statements.

302. Recording of Vote

The minutes shall show the vote of each member on every question on which the Commission is required to act or, if absent, fails to vote, and any statement any member may wish to make regarding his vote.

303. Retention of Files

All applications and other matters coming before the Commission shall be filed in the City Planning Department office in accordance with that department's general file system. The Secretary shall keep a permanent file of all plats, maps, charts, reports, resolutions, notices, correspondence, or other matters filed with or issued by the Commission. The tape recordings of the public hearings of the Commission shall be retained intact for not less than thirty (30) days after the City Council shall make a final decision in the specific subject on the tape. Original applications shall be retained as long as is required by standard city procedure.

304. Public Records

All of the records of the Commission shall be public records and shall be open to public inspection during customary working hours.

305. Resolutions

Any member of the Commission may propose a resolution, which shall be in written form. A resolution duly seconded and carrying at least four (4) affirmative votes shall be considered adopted. All resolutions shall be numbered consecutively and shall be made a part of the permanent records of the Planning Commission.

IV. RULES AND AMENDMENTS

401. Amendment Procedure

Amendments to these rules may be made by the Commission upon the affirmative vote of four (4) members, provided any such amendment is proposed at a

preceding meeting, or is submitted in writing at a prior regular meeting of the Commission, and is noted in the minute of such meeting. Amendments adopted as above shall become effective at the next regular meeting of the Commission.

Revised 1/2012

SCOTTSDALE AIRPORT

PART 150 NOISE COMPATIBILITY STUDY UPDATE

Executive Summary





Introduction

Scottsdale Airport has been a fixture in the physical and economic landscape of the City of Scottsdale and the greater Phoenix area since 1942, and is considered a forerunner in general aviation airports. In 2005, Scottsdale Airport completed its third 14 CFR Part 150 (Part 150 Study) Noise Compatibility Program (NCP); which builds on the foundation established by the two previously approved NCP studies conducted in 1985 and 1997. Its commitment to the surrounding community is evidenced by Scottsdale Airport's continued exploration and implementation of new and innovative noise abatement techniques.

The Scottsdale community, airport users, and Scottsdale Airport can all be credited with reducing the number of sensitive land uses exposed to the Federal Aviation Administration's (FAA) noise compatibility threshold of 65 DNL. There are currently no residences located within the 65 DNL noise contour for Scottsdale Airport.

The Part 150 Study process uses a three-pronged approach to address noise impacts with a wide array of techniques. These include airport operations, land use management, and program management. Scottsdale Airport's NCP update in 2005 used this full range of techniques to evaluate the most effective and efficient means of reducing noise at Scottsdale Airport. The result is a noise abatement program that retains the most successful noise abatement measures from previous programs, and adds several new measures to further address forecasted noise conditions.

Community involvement is a key component of Scottsdale Airport noise abatement measures. Every effort has been made during this Study to involve the public and incorporate concerns and suggestions provided by interested participants. Four public workshops and one public hearing, as well as internet applications, were used to share information and collect public comments. This summary is intended to provide an overview of the Part 150 Study process, and outline the updated Noise Compatibility Program.



What Is A Noise Compatibility Program?

A Noise Compatibility Program (NCP) is intended to promote aircraft noise control and land use compatibility. Three components make this Study unique: (1) it is the only comprehensive approach to reduce airport and community land use conflicts; (2) it identifies items eligible for FAA Airport Improvement Program (AIP) funding; and (3) it is the only federally funded airport Study that balances community land use desires with aviation requirements.

The principal objectives of any NCP are to:

- Identify the current and projected aircraft noise levels and their impact in the airport area.
- Propose measures to reduce the impact of aircraft noise through changes in aircraft operations or airport facilities.
- In undeveloped areas where aircraft noise is projected to remain, encourage future land uses that are compatible with aircraft noise. Some examples of compatible land uses include agricultural, commercial, or industrial uses.
- In existing residential areas that are expected to remain impacted by aircraft noise, determine potential ways of reducing any adverse impacts.
- Establish procedures for implementing, reviewing, and updating the program.

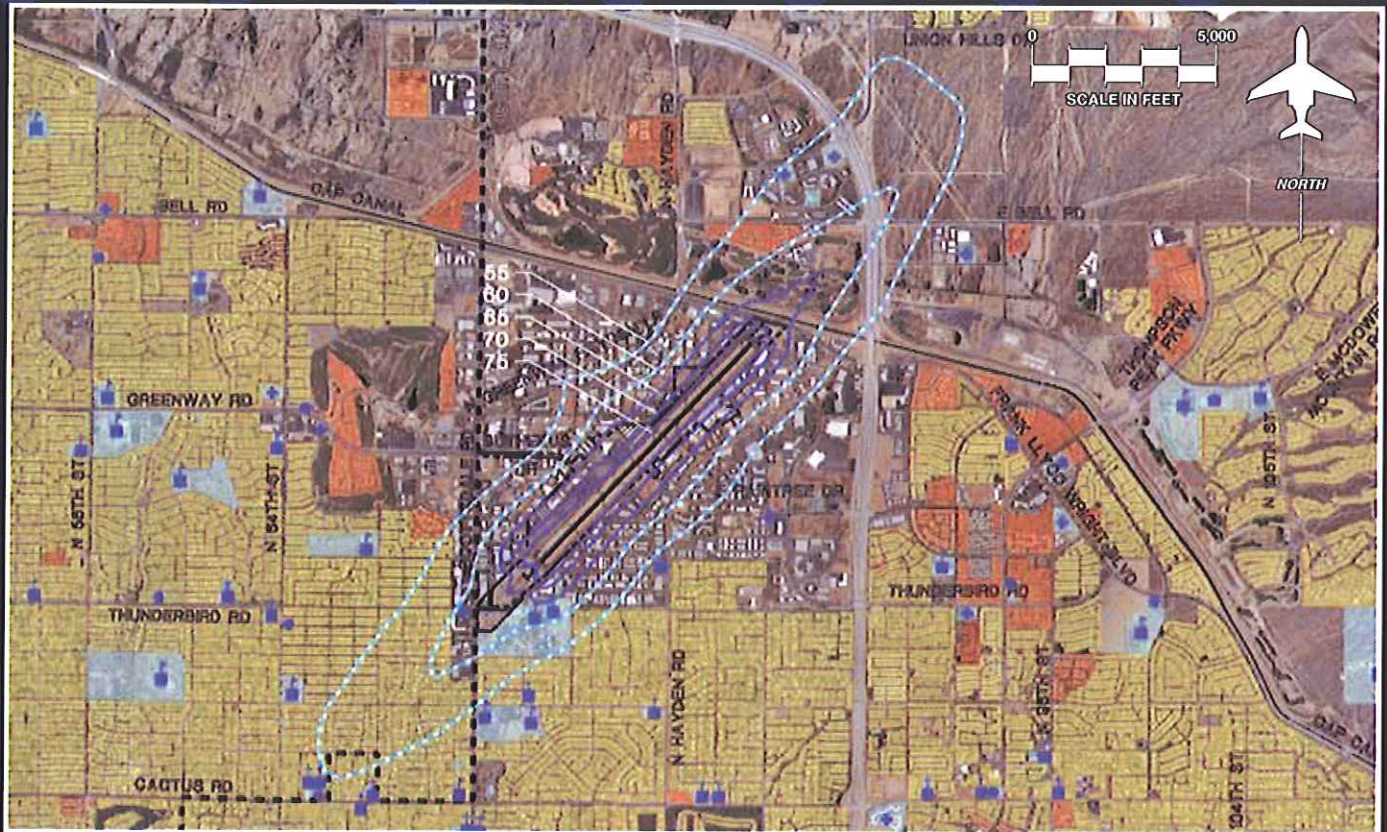
The Part 150 Study provides for the preparation of two documents: the Noise Exposure Maps (NEM) and the Noise Compatibility Program (NCP).

The NEM document describes the existing noise conditions in the airport area and projected future conditions if no additional noise abatement actions are taken. They represent an analysis of baseline conditions. Baseline noise exposure maps were prepared for actual 2004 conditions and forecasted conditions for the years 2009 and 2025. The FAA formally accepted the NEM on January 21, 2005. The 2004, 2009, and 2025 NEM projections and associated noise impacts are depicted by the exhibits on the following pages.

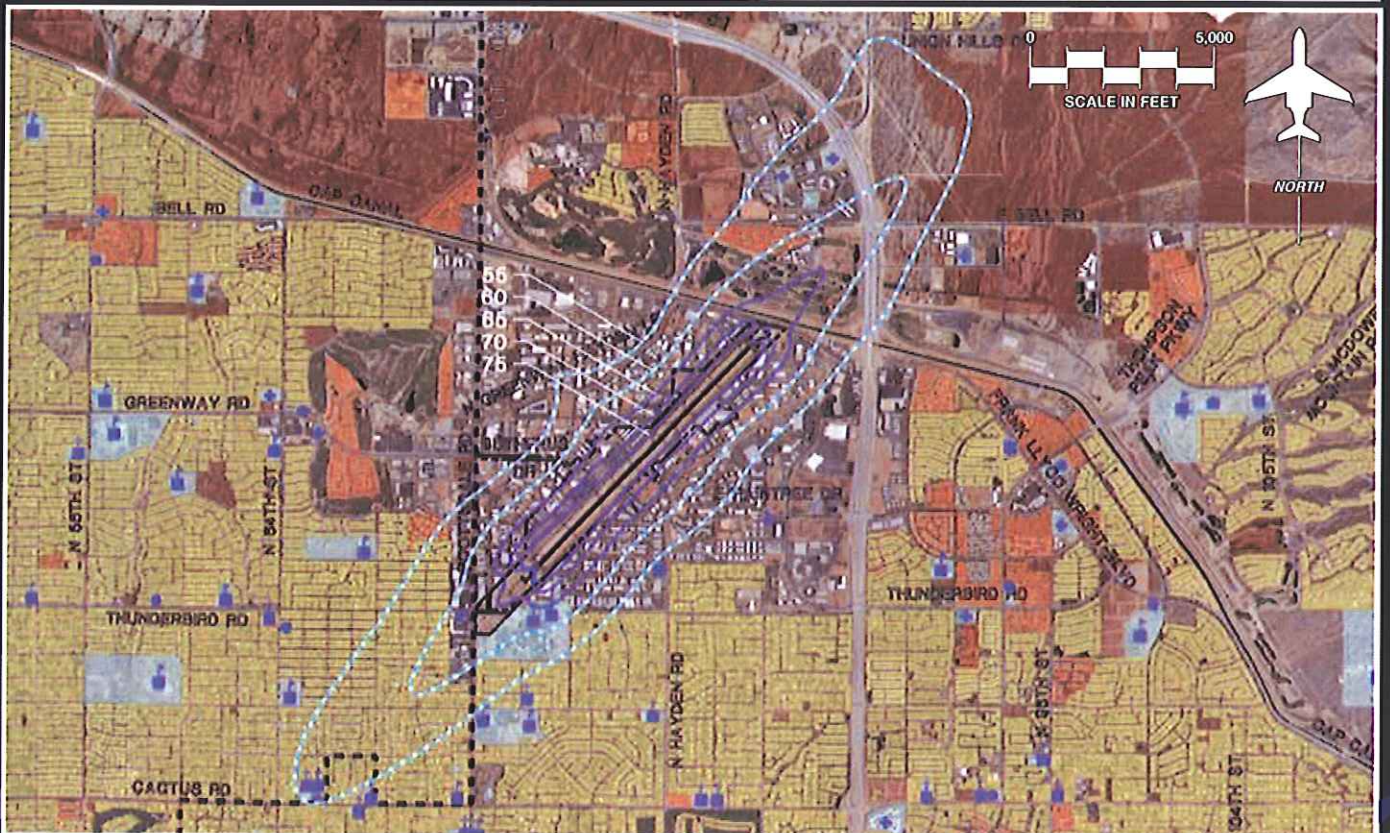
LEGEND

- ■ ■ ■ Municipal Boundary
- — — — Airport Property
- Single-Family Residential
- Multi-Family Residential
- Noise-Sensitive
- Daycare Facility
- Library
- Medical/Dental/Nursing
- Museum
- Place of Worship
- School
- Undeveloped Areas Planned for Residential Development
- - - - Noise Exposure Contour, Marginal Effect
- — — — Noise Exposure Contour, Significant Effect

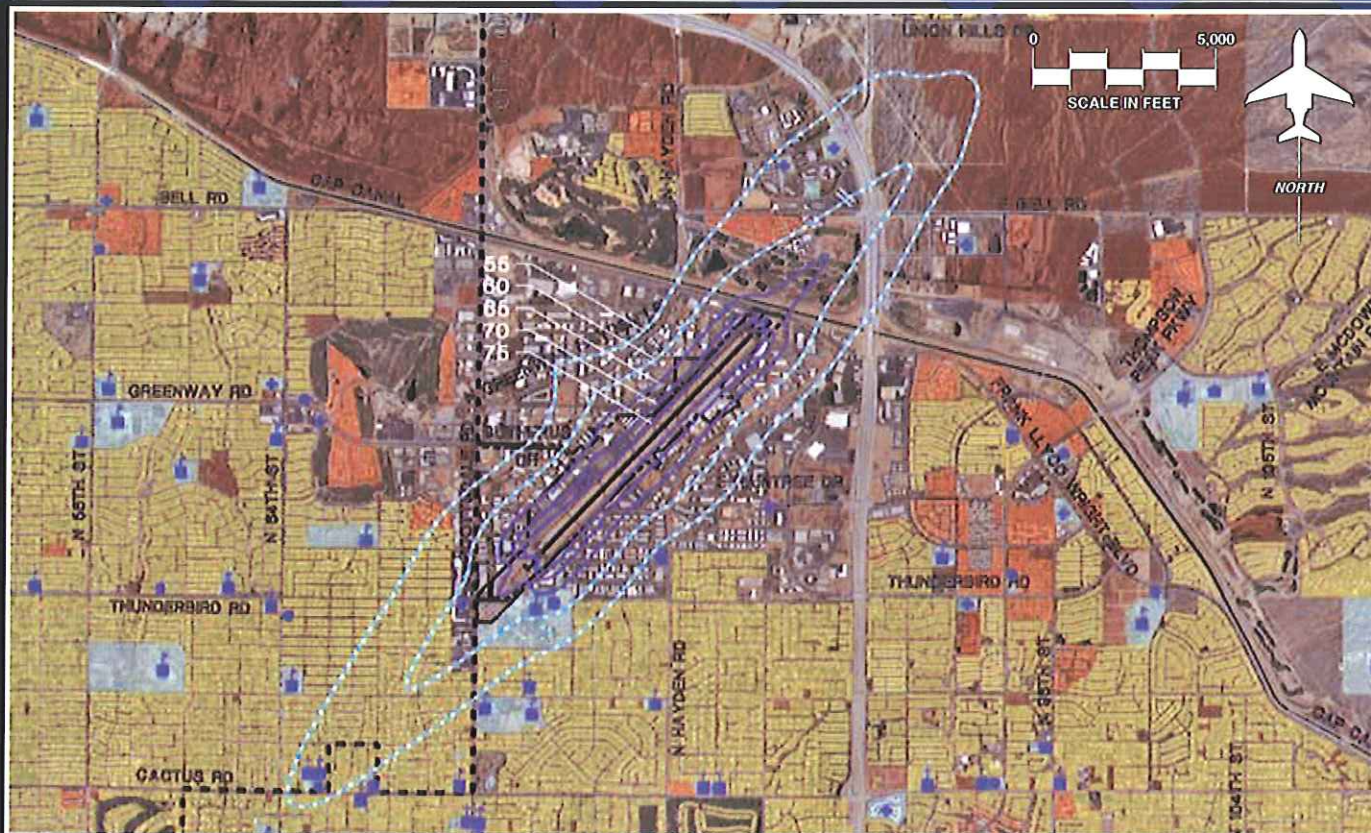
2004 NOISE EXPOSURE CONTOURS WITH LAND USE



2009 NOISE EXPOSURE CONTOURS WITH LAND USE



2025 NOISE EXPOSURE CONTOURS WITH LAND USE



Program Preparation

The updated NCP for Scottsdale Airport was developed through a consultative process and included extensive technical analysis. The City of Scottsdale selected Coffman Associates, Inc., an airport consulting firm, to provide technical expertise for the Study. Additional support was provided by Harris Miller Miller & Hanson, Inc., an airport noise consulting firm, specifically to analyze the feasibility of noise and access restrictions.

A Technical Advisory Team (TAT) was established to act as an informal technical advisory group to review and comment on the consultant's findings and recommendations. The TAT was comprised of industry experts and representatives from the FAA, local government, airport users, and airport staff.

Local residents were invited to four public information workshops and one public hearing during the preparation of the Study. Additional public outreach occurred through a project-specific website hosted by the consultant. The website allowed interested persons to download Study materials and post comments regarding the Part 150 Study. Over 400 documents were downloaded, and several hundred people participated in the on-line forum. The City of Scottsdale formally accepted the NCP on April 19, 2005 (Resolution No. 6662) and submitted the Study to FAA for review and approval. The FAA's Record of Approval, dated

June 9, 2006, fully or conditionally approves 28 of the 30 City-recommended measures, and disapproves noise abatement measures 11 and 13. Additionally, the relocation of the run-up area to a centrally-located site in measure 14 was approved; while construction of a run-up enclosure was disapproved. Disapproval of the run-up enclosure only indicates that this project is not eligible for federal funding. The City of Scottsdale and Scottsdale Airport are free to pursue this measure without federal funding. A description of each City-recommended measure is described in later sections of this summary.

The Updated Noise Compatibility Program

The objective of the updated NCP has been to make recommendations to improve the compatibility between aircraft operations and noise-sensitive land uses in the area, while allowing the airport to continue to serve its roles in the community, state, and national airspace system. The measures included in the NCP are aimed at satisfying this objective and have been separated into three categories: Noise Abatement, Land Use Management, and Program Management.

Some restrictions that were evaluated as part of the NCP process were determined infeasible. For example, airport noise and access restrictions for Stage 2 aircraft require the submittal and approval of a 14 CFR Part 161 Study, which would include an extensive analysis of the costs and benefits of the proposed restrictions. The analysis, if

completed, would then be published in the Federal Register with an opportunity for public comment. Because there are no residential impacts within the 65 DNL noise contour, federal funding is not available for such a Study and FAA approval of restrictions would be unlikely. A detailed discussion of all measures determined to be infeasible can be referenced in the full NCP document. The following section briefly explains each recommended measure that is carried forward by the City of Scottsdale.

Noise Abatement Measures Retained From 1997 NCP

1. **Continue informal preferential use of Runway 3.** The Airport operates in a northeast flow 55 percent of the time. As a result, a majority of the louder operations occur northeast of the Airport. Although growth has occurred northeast of the Airport, an analysis of the noise-sensitive development surrounding the Airport reveals that there continues to be large parcels of undeveloped land northeast and northwest of the Airport. Routing aircraft over these undeveloped areas is preferred.
2. **Continue to encourage Stage 2 aircraft to use Runway 21 for landings and Runway 3 for takeoffs.** This measure routes louder aircraft away from the more densely populated areas south and west of the Airport.
3. **Continue to discourage right downwind and right base pattern entry, long straight-in approaches, and right turn-outs prior to reaching the airport boundary for aircraft using Runway 3.** This advisory procedure was developed to prevent low overflights of the residential areas east and southwest of the Airport and continues to be applicable.
4. **Continue to encourage right turns as soon as practical and discourage straight-out and left turns on departure from Runway 21.** The intent of this recommendation is to avoid overflight of noise-sensitive areas south and southeast of the Airport.
5. **On Runway 21: Continue to prohibit stop-and-go operations, intersection takeoffs, formations, and simulated single-engine takeoffs and training go-arounds by multi-engine aircraft.** The City of Scottsdale adopted Ordinance 1341 to prohibit these operations because they can result in greater aircraft noise in noise-sensitive areas. The nature of these types of operations equates to increased noise levels on the ground.
6. **Continue to discourage descents below 2,500 feet mean sea level (MSL) for practice instrument approaches.** This procedure would keep aircraft from descending below 1,000 feet above airfield elevation during practice instrument approaches. The purpose of this measure is to reduce noise impacts during this type of operation.
7. **Continue to encourage National Business Aviation Association (NBAA) standard or manufacturers' comparable noise abatement procedures.** The NBAA has developed departure procedures for jets that are intended to reduce the amount of noise generated from aircraft. These procedures should be flown at the pilot's discretion and consistent with safety procedures.

8. **Continue to prohibit touch-and-go operations between 9:30 p.m. and 6:00 a.m.** The City of Scottsdale adopted Ordinance 1341, which restricts the time of day during which touch-and-go operations can occur. This policy was enacted to limit nighttime noise impacts associated with touch-and-go operations. The increase in noise-sensitive development near the Airport maintains the need for this policy.

9. **Continue to prohibit maintenance run-up operations between 10:00 p.m. and 7:00 a.m.** Maintenance run-ups can cause a considerable amount of noise; therefore, performance of these operations is limited to the stated times.

10. **Continue to encourage use of AOPA Noise Awareness Steps by light single-engine aircraft.** The Aircraft Owners and Pilots Association (AOPA) encourages quiet and neighborly flying by distributing generalized noise abatement procedures for use by pilots of propeller aircraft. These "Noise Awareness Steps" include recommendations on how to fly the aircraft, as well as where and when to fly.

New Measures

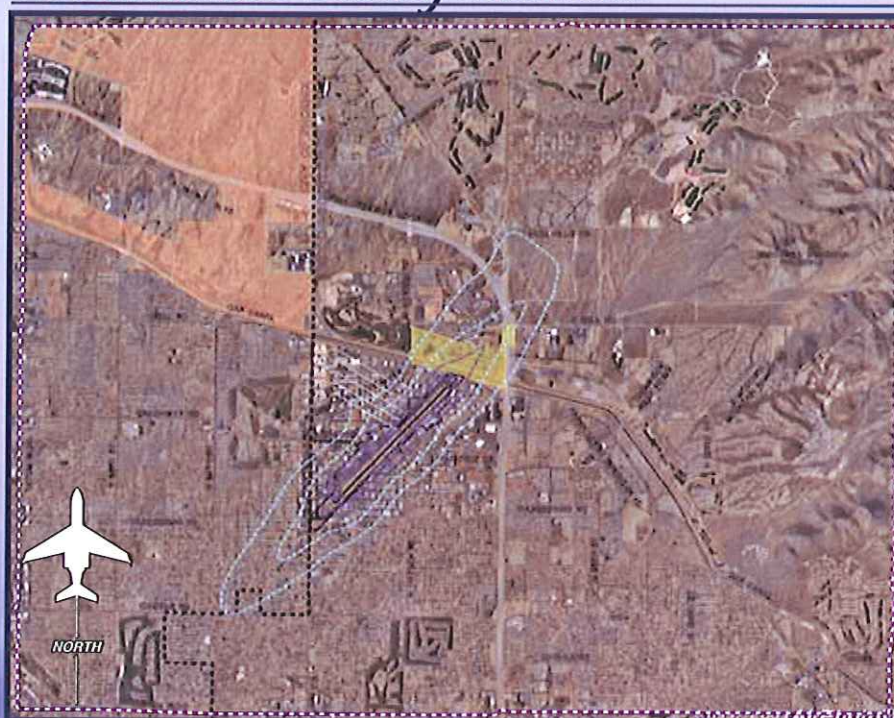
11. **Encourage the use of published approach patterns to Runway 21.** This recommendation is intended to reduce the impacts of low-altitude overflights of noise-sensitive areas east and north of the Airport. While this measure was disapproved in the FAA's Record of Approval, the City will continue to promote use of published patterns for aircraft operating at Scottsdale Airport.
12. **When ASR-11 radar installation is complete, request Air Traffic Control to coordinate on any new approach, departure or routing procedures.** To ensure that the City of Scottsdale and all appropriate agencies are consulted, the Airport and Air Traffic Control should work together on the development of any new approach, departure, or routing procedure.
13. **The City will encourage FAA to chart visual flight procedures to provide pilots with minimum safe flying altitudes and paths on approach.** Charted visual flight procedures identify visual landmarks, flight paths, and minimum safe flying altitudes for aircraft approaching the Airport. The benefit of charted approaches will be reduced noise impacts resulting from low overflights by pilots unfamiliar within the concentrated noise-sensitive land uses surrounding the Airport. While this measure was disapproved in the FAA's Record of Approval, the City will continue to promote this measure and use of published patterns for aircraft operating at Scottsdale Airport.
14. **Relocate existing run-up area and construct a run-up enclosure if deemed necessary.** Construction of a ground run-up enclosure was disapproved in the FAA's Record of Approval making this recommended structure ineligible for federal funding. However, the City will further consider if this structure is needed, and financially feasible, in order to accommodate the largest size aircraft that use Scottsdale Airport.

15. **Inform transient helicopter pilots of the noise abatement flight paths.** The Airport's helicopter pilot guide will be distributed to all transient helicopter pilots operating at Scottsdale Airport. This guide is intended to familiarize pilots with the area and to recommend flight paths. It will also provide a reference guide on how to avoid overflight of noise-sensitive land uses in the area.
16. **Change Phoenix Sectional Aeronautical Chart to depict additional populated places.** The Airport should work with the FAA to identify the northern portions of Scottsdale and the Towns of Carefree and Cave Creek as populated places on aeronautical charts used by pilots. Amending the charts would limit noise exposure in these areas by establishing a minimum flyover altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

Land Use Measures Retained From 1997 NCP

1. Within their respective General Plans, the cities of Scottsdale and Phoenix should maintain the compatibly planned areas within the 55 DNL noise contour. Within its planning documents, the City of Scottsdale has planned for the development of compatible land uses in the area surrounding the airport, including those areas within the 55 DNL noise contour. Additionally, the City of Phoenix has designated areas within the 55 DNL noise contour to be developed with compatible uses. These compatible land use designations should be maintained to ensure compatible development in the future.
2. The cities of Scottsdale and Phoenix should maintain the compatibly zoned areas within the project Study area.

Recommended Zoning Revisions



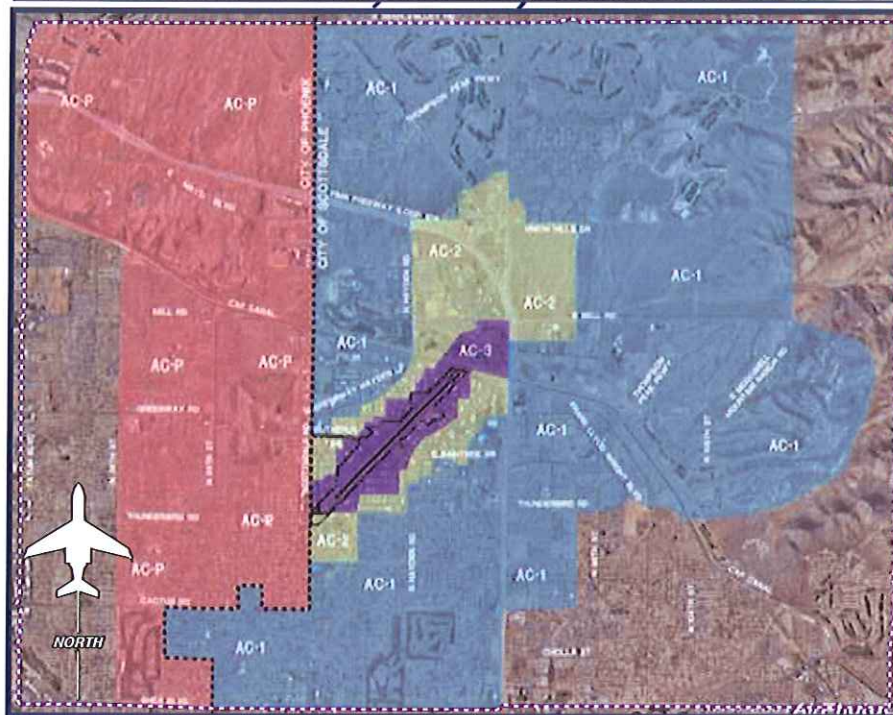
Efforts should be made to retain the current commercial and industrial zoning designations within the Study area. Additionally, both cities should strongly discourage rezoning for residential or other noise-sensitive land uses that are not consistent with the respective general plans. This will ensure compatible development within the airport area.

3. **The City of Scottsdale should consider rezoning the parcel located directly north of the airport, within the 65 DNL noise contour, to a compatible land use.** The parcel is currently utilized as a golf course. The golf course located north of the airport is currently zoned for residential development. Portions of this parcel are located within the 65 DNL noise contour. Although this area is currently developed as a golf course, consideration should be given to rezoning the property to ensure compatible development in the future.
4. **The cities of Scottsdale and Phoenix should enact Project Review Guidelines for those areas impacted by airport operations.** Informal project review guidelines are presently used to implement fair disclosure policies and to obtain avigation easements for properties near the Airport. To ensure the continued success of the development review guidelines, these policies should become formal components of the various regulatory tools used by the respective cities.
5. **The cities of Scottsdale and Phoenix should adopt the overlay zones contained within the proposed project review guidelines.** Consideration should be given to incorporating the overlay zones proposed as part of the project review guidelines. This would provide regulatory support for the review process and would help ensure compatible development within the airport environs.
6. **If the Project Review Guidelines and Overlay Zoning Alternatives are not implemented, the City of Scottsdale should consider amending the subdivision regulations to require the issuance of avigation easements and fair disclosure notices for the areas contained within AC-1, AC-2, and AC-3 of the overlay zoning.** The revised regulations would require avigation easements within the revised AC-1, AC-2, and AC-3 overlay zones.

LEGEND

- Detailed Land Use Study Area
- Municipal Boundary
- Airport Property
- Low Density Residential Zoning
- Areas Planned for Compatible Land Use and Zoned for Residential Land Use

Recommended Airport Influence Area & Noise Overlay Zones



LEGEND	
-----	Detailed Land Use Study Area
-----	Municipal Boundary
-----	Airport Property
AC-P	AC-P
AC-1	AC-1
AC-2	AC-2
AC-3	AC-3

- The City of Scottsdale should consider amending its current building codes to incorporate prescriptive noise standards. Implementation of this alternative would not only protect future noise-sensitive development within the 60 DNL noise contour, but would also protect structures which undergo extensive remodeling or reconstruction, as these types of projects typically require a building permit.

New Measures

- Should the Project Review Guidelines alternative not be implemented, the City of Scottsdale should consider incorporating the 2009 noise contours into its general plan to allow for an additional level of fair disclosure. The City's general plan is a common reference for individuals considering purchasing property; therefore, incorporating an exhibit that depicts areas impacted by aircraft noise into the general plan would allow for further fair disclosure.
- The City of Phoenix should consider rezoning the areas located north of the Central Arizona Project (CAP) canal which are currently zoned for residential land uses and planned for industrial or commercial land uses. Within the City of Phoenix, a number of parcels north of the CAP canal are zoned in a manner that does not mirror the planned land uses from the City of Phoenix general plan. Consideration should be given to rezoning these parcels in a manner which would be consistent with the City's general plan. This would ensure the properties are developed in a manner consistent with the Airport.

Program Management Measures Retained From 1997 NCP

- Update NEM and NCP.** The Airport management should review the NCP and consider revisions and refinements as necessary. A complete plan update will be needed periodically to respond to changing conditions in the local area and in the aviation industry. This can be anticipated every seven to ten years.
- Monitor implementation of the Part 150 Noise Compatibility Program.** Airport management must monitor compliance with the Noise Abatement Element of the NCP. This will involve checking periodically with airport users and the local tower manager regarding compliance with procedures.
- Continue noise complaint tracking program.** Scottsdale Airport presently tracks noise complaints from both a 24-hour noise complaint hotline and also through the airport's website. This system allows Airport staff to track changes in noise concerns and operations over time and conduct comparative analyses as necessary.

New Measures

- Continue and expand airport signage program.** The airport has taken an active role in helping to ensure that individuals are aware of the location of the Scottsdale Airport. Directional signage is being used throughout the Airport area. Signs have been placed along major thoroughfares and highway intersections.

Additional signage requires coordination with and approval of the City of Scottsdale Transportation Department.

5. **Airport Pilot and Community Outreach Program.** To address current aeronautical and noise abatement issues, Scottsdale Airport has developed the "Fly Neighborly" program. This program has several components, some of which are directed at reducing noise through pilot education and others that are intended to raise the awareness of current and potential residents about the existence and operation of the Airport.

Reduction of Noise Impacts

Noise contours developed as part of this Study impact a smaller area than those from previous noise studies at Scottsdale Airport. This can be attributed in part to the implementation of noise abatement guidelines and procedures, as well as the change in the operational fleet mix. The long-term fleet mix indicates that a gradual phase-out of Stage 2 aircraft will continue to occur over time, thereby reducing the number and frequency of these louder types of aircraft operating in and out of Scottsdale Airport. The current and long-range noise contours also reflect the number of people living within the 65 DNL noise contour has been reduced to zero. The recommended noise abatement and land use management programs are intended to reduce the cumulative aircraft noise exposure impact now and in the future. The following table illustrates the reduction of population exposed to noise with the implementation of the NCP.

Population Exposed to Noise With Noise Compatibility Plan Versus Baseline Conditions					
	Baseline Noise (Without Plan)			With Noise Compatibility Plan	
	2004	2009	2025	2009	2025
55-60 DNL	2,726	4,232	4,200	2,911	3,302
60-65 DNL	82	292	162	285	162
65+ DNL	0	0	0	0	0
Total Above 55	2,808	4,524	4,362	3,196	3,464
Total Above 60	82	292	162	285	162



Costs and Funding

The estimated cost of implementing the NCP is \$1,337,000. A majority of the costs are expected to be covered by the FAA and Arizona Department of Transportation (ADOT), Aeronautics Division. The following table outlines the costs associated with implementing the program.

Total Cost and Funding Sources for Scottsdale Noise	
FAA	\$1,235,000
ADOT Aeronautics Division	\$32,500
Scottsdale Capital Budget	\$32,500
Scottsdale Operating Budget	\$37,000
Total	\$1,337,000

An Ongoing Commitment

The City of Scottsdale and Scottsdale Airport are committed to long-term noise abatement solutions for the area surrounding the airport, while continuing to promote the airport as an integral component of the nation's air transportation system. Airport management will continue to ensure that the NCP is fully implemented and to review and revise it accordingly.

Questions, comments, and suggestions are welcomed regarding the status of noise compatibility efforts at Scottsdale Airport. Airport management is available for meetings with groups or individuals to discuss concerns or interests. Additional information on the City Council actions and FAA record of approval can be found on the Airport's website (www.scottsdaleairport.com). If you have any questions about this program or the Airport, please call (480) 312-2321.

Glossary

DNL – Day-night noise level. The FAA standard metric for determining cumulative noise exposure within a given location. Mathematically, it is the 24-hour average sound level, in A-weighted decibels, obtained after the addition of ten decibels to sound events occurring between 10 p.m. and 7 a.m. as averaged over one year.

Decibel – The physical unit commonly used to describe noise levels. The decibel represents a relative measure or ratio to a reference power. This measure of sound pressure (energy) is logarithmic. For example, a 10 decibel increase in sound is equal to a ten-fold increase in sound energy.

14 CFR Part 150 – This refers to Part 150 of Title 14 of the Code of Federal Regulations. Part 150 describes the rules and guidelines for the preparation of airport noise compatibility studies with federal funding assistance.

Noise Contour – A continuous line connecting all points of the same noise exposure, usually depicted on a map of the airport.

For further information, please contact:

Scottsdale Airport
15000 N. Airport Drive, 2nd Floor
Scottsdale, AZ 85260
(480) 312-2321
www.scottsdaleairport.com





Scottsdale Airport Vicinity Development Guidelines and Checklist and Declaration (Short Form)

Name of Development:	
Development Pre-Application Number:	
Site Address/APN:	
Maximum Elevation Height of Building + Appurtenances:	
Latitude and Longitude of Highest Elevation Point:	
Contact Name and Phone Number:	
PROJECT REVIEW ANALYSIS DESCRIPTION (short form)	
This information pertains to object height, land use compatibility, aviation easements, aircraft noise and overflight disclosure and is in addition to other City Codes (building, fire, zoning). Please review and complete EACH SECTION of this Short Form Declaration and submit it along with your development application.	
Part I. Height Analysis	
Applicants must conduct an analysis for all projects within 20,000 feet of Scottsdale Airport to determine if a 100:1 slope is penetrated by proposed structures, appurtenances, or construction equipment and/or cranes. If structures, appurtenances, or construction equipment penetrate the 100:1 slope area from the airport, then the project applicant must complete an Federal Aviation Administration (FAA) form 7460-1 and submit it to FAA unless exemptions apply. Please allow approximately 30 days for FAA to review your project. An analysis and submission of form 7460-1 can be completed at the following website https://oeaaa.faa.gov/oeaaa/external/portal.jsp and click on the "Notice Criteria Tool" on the left side. Accurate coordinates and site elevation will be needed to complete this analysis. Applicants are required to file their 7460-1 electronically at the above referenced website.	
Check ONLY one declaration below:	
<input type="checkbox"/>	1. Based on the height analysis of my proposed development, I declare structures or construction crane(s) DO NOT penetrate the airspace above the 100:1 slope from Scottsdale Airport's Runway. I attached a copy of the analysis to this form.
<input type="checkbox"/>	2. Based on the height analysis of my proposed development structures or construction crane(s) DO penetrate the airspace above the 100:1 slope from Scottsdale Airport's Runway. I completed the required FAA form 7460-1 and submitted it to the FAA with latitude and longitude points of the highest point of each proposed structure, including appurtenances. I attached a copy of the completed FAA documents to this form. I will also provide a copy of FAA's response and determination to the Aviation Director prior to final plan approval.
Part II. Aircraft Noise and Overflight Disclosure	
I have reviewed the traffic pattern airspace map and executive summaries for the adopted Scottsdale Airport Master Plan and 14 C.F.R. Part 150 Noise Compatibility Study, as part of the due diligence to determine any future impacts on my development by proposed airport growth or operational changes. These documents are available on http://www.scottsdaleaz.gov/airport/Part150 or by calling the airport at 480-312-2321. In accordance with the Airport Influence Area and Noise Overlay Zone and the Airport Overlay Zone Matrix for Scottsdale Airport (see attached), I understand the following may be true for my development and will provide the City of Scottsdale all appropriate documentation as applicable below:	
<input type="checkbox"/>	Incorporate the Airport Disclosure For Development Around Scottsdale Airport language into the CC & R's or other procedural documents for my development.
<input type="checkbox"/>	An Avigation Easement to the City of Scottsdale for recording. Download this document at http://www.scottsdaleaz.gov/bldgresources/forms/dedications.asp and must be completed prior to final plan approval.

The information provided for this project is certified to be true and correct. Staff will review the proposed development and all attached documents required by this form. All information shall be submitted and complete prior to approval by the City.

Signature of Applicant

Date

Questions pertaining to this form or content required for airport review of proposed projects should be directed to Scottsdale Airport staff at (480) 312-2321.

Attachments: 1. Scottsdale Airport Vicinity Map FAA Notice

2. Airport Influence Area and Noise Overlay Zones

3. Airport Overlay Zone Matrix

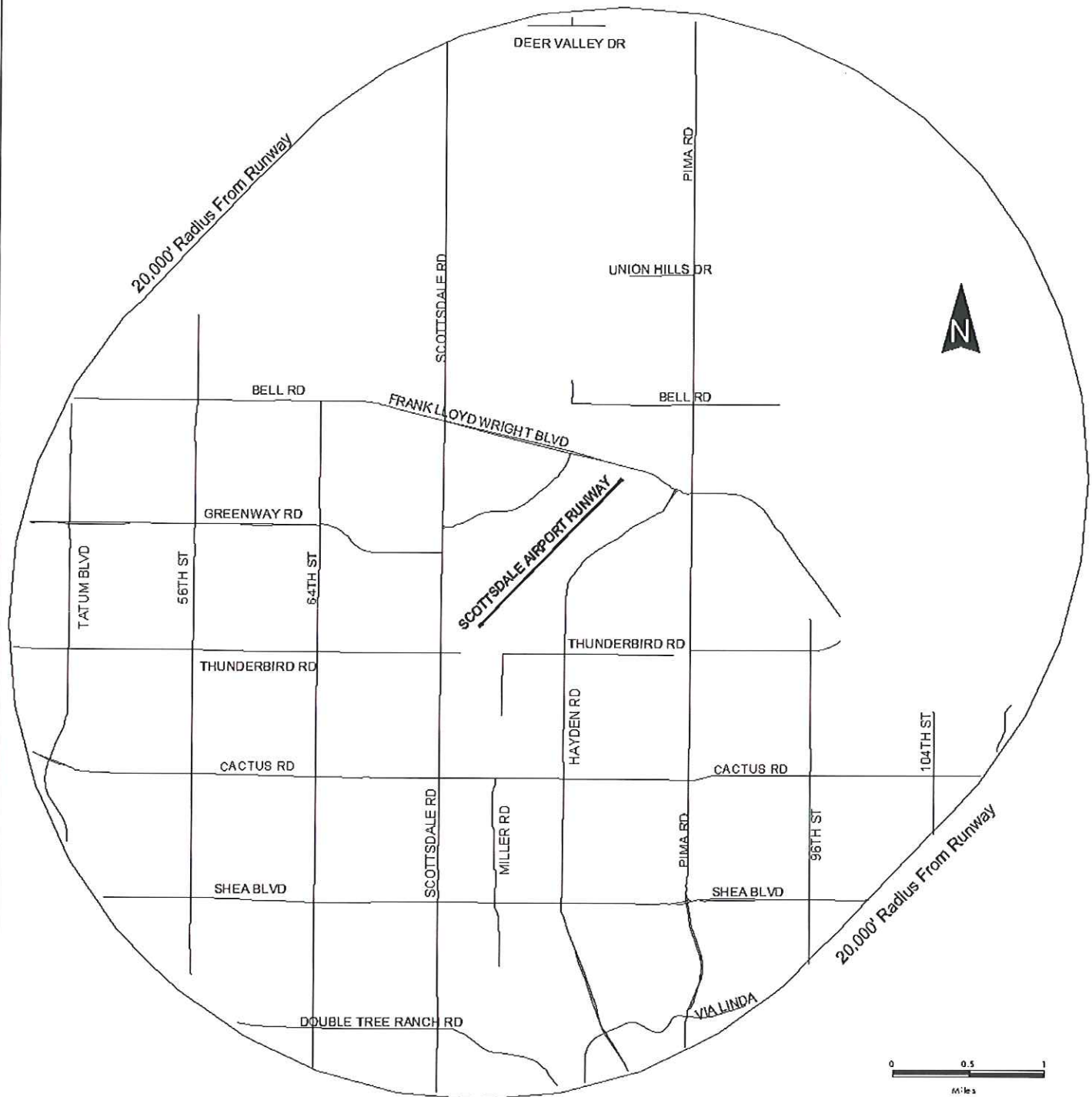
4. Scottsdale Airport Traffic Pattern Airspace

5. Sample Airport Disclosure Notice

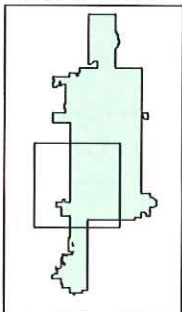
6. Avigation Easement

Revised October 2010
Page 1

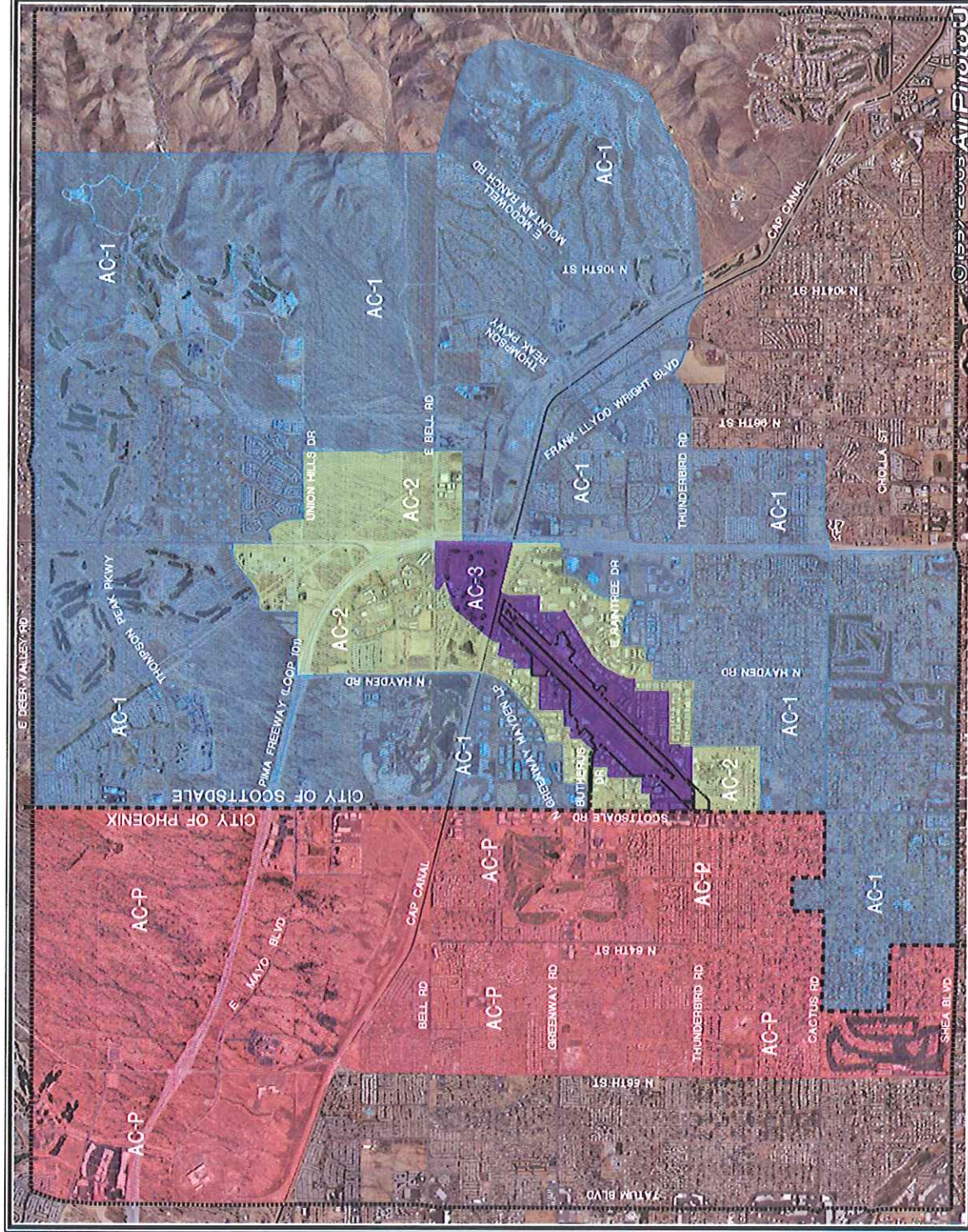
Scottsdale Airport Vicinity, FAA Notice of Proposed Construction



Area Of Detail



INSTRUCTIONS: Proposed temporary cranes or structures which exceed a height of 100:1 slope (100 ft horizontally for 1 foot vertically) from the nearest point of the runway must provide notice to the FAA via a 7460-1 form.



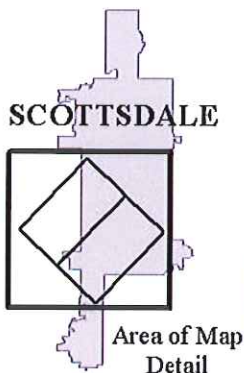
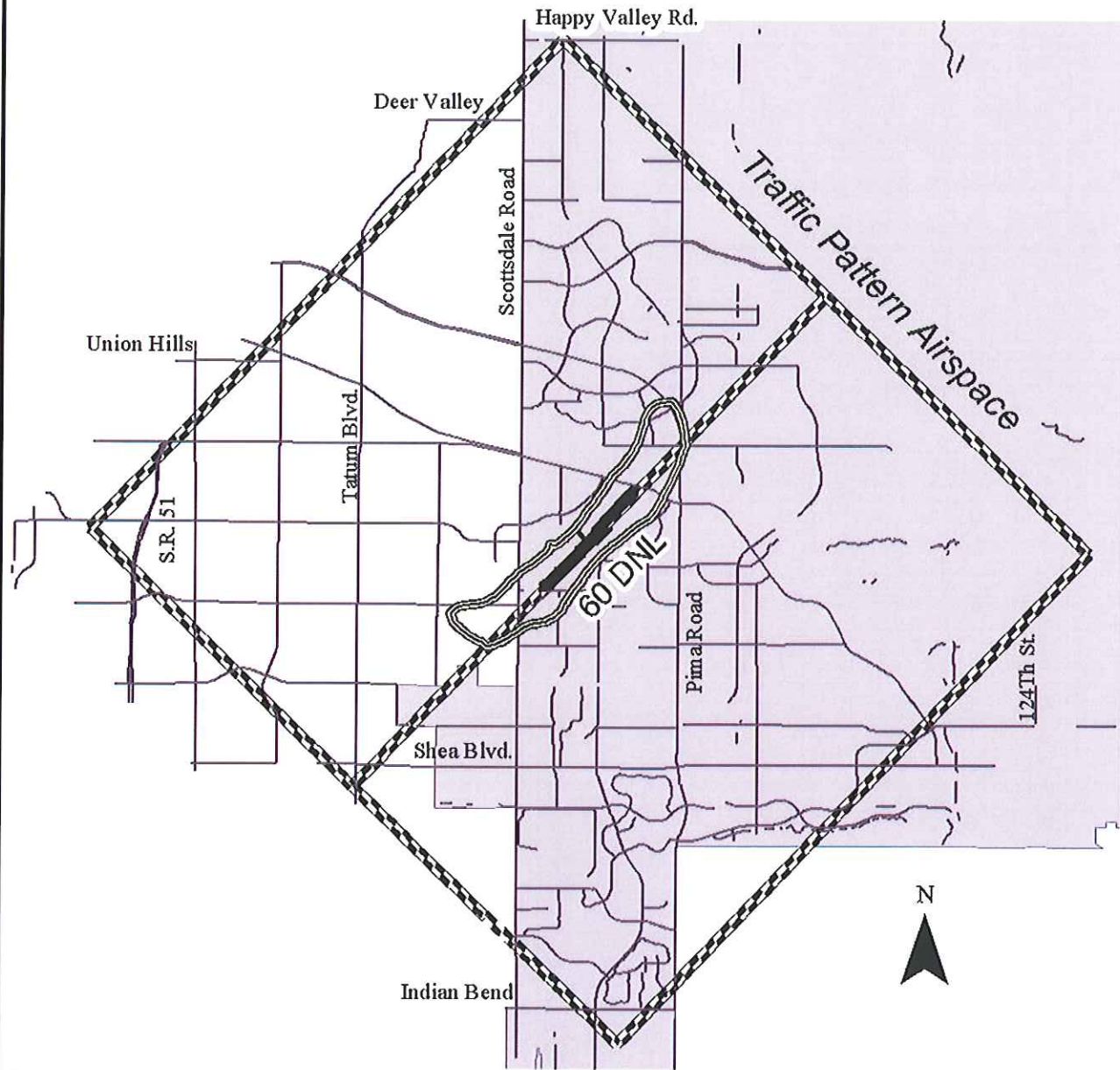
Airport Overlay Zone Matrix
Scottsdale Airport

	Uses Allowed Within Each Zone			
	City of Scottsdale			City of Phoenix
	AC-1	AC-2	AC-3	AC-P
RESIDENTIAL				
Single-family, duplex, multi-family, manufactured housing	Y[1,3]	Y[1,3,4]	N	Y[1]
Recreational vehicle parks	Y[1,3]	Y[1,3]	N	Y[1]
Other residential	Y[1,3]	Y[1,3,4]	N	Y[1]
PUBLIC FACILITIES				
Education facilities	Y[1,3]	Y[1,3,4]	N	Y[1]
Religious facilities, libraries, museums, galleries, clubs and lodges	Y[1,2,3]	Y[1,3,4]	N	Y[1,2]
Outdoor sport events, entertainment and public assembly except amphitheatres	Y[1,2]	Y[1,3]	N	Y[1,2]
Indoor recreation, amusements, athletic clubs, gyms and spectator events	Y[1,2]	Y[1,3]	[1,3]	Y[1,2]
Neighborhood parks	Y[1,2]	Y[1,3]	Y[1,3]	Y[1,2]
Community and regional parks	Y[1,2]	Y[1,3]	Y[1,3]	Y[1,2]
Outdoor recreation: tennis, golf courses, riding trails, etc.	Y[1,2]	Y[1,3]	Y[1,3]	Y[1,2]
Cemeteries	Y[1]	Y[1,3]	Y[1,3]	Y[1]
COMMERCIAL				
Hotels/motels	Y[1,2]	Y[1,2,3,4]	Y[1,2,3,4]	Y[1,2]
Hospitals and other health care services	Y[1,2]	Y[1,2,3,4]	N	Y[1,2]
Services: finance, real estate, insurance, professional and government offices	Y[1,2]	Y[1,2,3]	Y[1,2,3]	Y[1,2]
Retail sales: building materials, farm equipment, automotive, marine, mobile homes, recreational vehicles and accessories	Y[1]	Y[1,3]	Y[1,3]	Y[1]
Restaurants, eating and drinking establishments	Y[1,2]	Y[1,2,3]	Y[1,2,3]	Y[1,2]
Retail sales: general merchandise, food, drugs, apparel, etc.	Y[1]	Y[1,3]	Y[1,3]	Y[1]
Personal services: barber and beauty shops, laundry and dry cleaning, etc.	Y[1]	Y[1,3]	Y[1,3]	Y[1]
Automobile service stations	Y[1,2]	Y[1,2,3]	Y[1,2,3]	Y[1,2]
Repair services	Y[1]	Y[1,3]	Y[1,3]	Y[1]
INDUSTRIAL				
Processing of food, wood and paper products; printing and publishing; warehouses, wholesale and storage activities	Y[1,2]	Y[1,2,3]	Y[1,2,3]	Y[1,2]
Refining, manufacturing and storage of chemicals, petroleum and related products, manufacturing and assembly of electronic components, etc.	Y[1,2]	Y[1,2,3]	Y[1,2,3]	Y[1,2]
Manufacturing of stone, clay, glass, leather, gravel and metal products; construction and salvage yards; natural resource extraction and processing, agricultural, mills and gins	Y[1,2]	Y[1,2,3]	Y[1,2,3]	Y[1,2]
AGRICULTURE				
Animal husbandry, livestock farming, breeding and feeding; plant nurseries (excluding retail sales)	Y[1]	Y[1]	Y[1]	Y[1]
Farming (except livestock)	Y[1]	Y[1,3]	Y[1,3]	Y[1]
MISCELLANEOUS				
Transportation terminals, utility and communication facilities	Y[1]	Y[1,2,3]	Y[1,2,3]	Y[1]
Vehicle parking	Y[1]	Y[1]	Y[1]	Y[1]
Signs	Y[1]	Y[1]	Y[1]	Y[1]

Legend

- Y Approved land use
- N Prohibited land use
- 1 Fair disclosure statement required as a condition of development approval or building permit issuance.
- 2 Use is permitted as long as it complies with the requirements of the zoning code for height restrictions.
- 3 Avigation easement required as a condition of development approval or building permit issuance.
- 4 Sound insulation required to reduce interior to exterior noise levels by at least 25dB.

Scottsdale Airport Traffic Pattern Airspace



Map Date: October 18, 2001

**SAMPLE AIRPORT DISCLOSURE FOR NEW RESIDENTIAL DEVELOPMENT AROUND
SCOTTSDALE AIRPORT**

NOTICE OF PROSPECTIVE PURCHASERS
OF PROXIMITY TO THE SCOTTSDALE AIRPORT

For inclusion into CC&R's or for disclosure notice:

Proximity to Airport. Each Owner, by accepting a deed to a Lot or Parcel, or by otherwise acquiring title to a Lot or Parcel, acknowledges (for such Owner and such Owner's family members, other Occupants, successors and assigns) that: (a) the Project is in close proximity to the Scottsdale Airport (the "Airport"), which is currently located generally between Frank Lloyd Wright Boulevard on the north, Pima Road on the east, Thunderbird Road on the south and Scottsdale Road on the west; (b) as of the date hereof, the airport is operated as a general aviation reliever/commercial service airport for Scottsdale and North Phoenix, used generally for single engine and twin engine airplanes, corporate jets, helicopters and scheduled service turbo prop and jet aircraft; (c) aircraft taking off from and landing at the Airport may fly over the Project and adjacent properties at altitudes which will vary with meteorological conditions, aircraft type, aircraft performance and pilot proficiency; (d) at the date hereof, the majority of aircraft takeoffs and landings occur daily between 6:00 a.m. and 11:00 p.m., but the Airport is open twenty-four (24) hours each day, so takeoffs and landings may occur at any hour of the day or night; (e) at the date hereof, the number of takeoffs and landings at the Airport average approximately 850 each day, but that number will vary and may increase with time if the number of its operations increases; (f) flights over the Project or adjacent properties by aircraft taking off from or landing at the Airport may generate noise, the volume, pitch, amount and frequency of occurrence of which will vary depending on a number of factors, including without limitation the altitudes at which the aircraft fly, wind direction and other meteorological conditions and aircraft number and type, and may be affected by future changes in Airport activity; (g) as of the date hereof, management of the Airport has policies in place intended to help reduce or minimize aircraft noise and its influence on owners and occupants of properties in the vicinity of the Airport, but those policies may change over time and in addition other aspects of such policies (including, without limitation, those intended to promote safety) may be given preference over policies relating to limiting noise; and (h) such Owner (for such Owner and such Owner's family members, other Occupants, successors and assigns) hereby accepts and assumes any and all risks, burdens and inconvenience caused by or associated with the Airport and its operations (including, without limitation, noise caused by or associated with aircraft flying over the Project and adjacent properties), and agrees not to assert or make and claim against the City of Scottsdale, its officers, directors, commissioners, representatives, agents, servants and employees, the Declarant, and Declarant Affiliate, or the Association, or any director, officer, employee, agent, representative or contractor of any of them, related thereto.

Any questions regarding the operation of the Airport can be directed to the Airport Administration office at 480-312-2321.

WHEN RECORDED, RETURN TO:

CITY OF SCOTTSDALE

ONE STOP SHOP/RECORDS

(_____)

7447 E. Indian School Road, Suite 100

Scottsdale, AZ 85251

Exempt from Affidavit of Value
under A.R.S. § 11-1134(A)(2, 3)



**CITY OF SCOTTSDALE
AVIGATION EASEMENT**

Project No. _____

Q.S. _____

FOR ONE DOLLAR (\$1.00) and other good and valuable consideration received

_____ (collectively "Grantor") does hereby grant to the City of Scottsdale, an Arizona municipal corporation ("Grantee"), a perpetual, non-exclusive easement upon, over, under and across the parcel of land (the "Property") described on the legal description and the sketch attached hereto as Exhibits "A" and "B". The purpose of the easement is for a right of flight for the passage of aircraft in the airspace above the surface of the Property as follows:

1. "Aircraft" means any manned or unmanned contrivance or device now known or hereafter invented, used or designed to navigate or fly in the air.
2. Without limitation, the right of flight shall include the right to operate aircraft over and near the Property and to cause within or without said airspace any noise, vibration, fumes, light, exhaust, odors, fuel vapor particles, electronic interference, dust, annoyances, nuisances, emissions, or other effects of any description relating to the operation, use or function of any aircraft in or near the said airspace (collectively the "Aircraft Effects").
3. All Aircraft Effects are included within the scope of the easement, including without limitation those that reach or affect the surface of the Property or improvements to the Property, those that interfere with other uses of the Property, those that annoy users of the Property, and those that are caused or made worse by any of the following:
 - 3.1. Any and all temporary and permanent increases and other changes and variations in the size, number, method of propulsion, weight, noisiness, design, fuel, category, type or other characteristics of aircraft and any permanent, temporary, seasonal, time-of-day or other practices, laws, rules, policies, circumstances, customs, protocols or procedures related thereto.
 - 3.2. Any and all temporary and permanent changes and variations in airport size, orientation, configuration, layout, location, runway length, boundaries, improvements or other characteristics and any permanent, temporary,

seasonal, time-of-day or other practices, laws, rules, policies, circumstances, customs, protocols or procedures related thereto.

- 3.3. Any and all temporary and permanent changes and variations in flight paths, flight frequency, flight timing, airport operations, climbing and descending, altitudes, takeoff and landing, air traffic control and any permanent, temporary, seasonal, time-of-day or other practices, laws, rules, policies, circumstances, customs, protocols or procedures related thereto.
- 3.4. Changes in Grantor's or others' personal perceptions of Aircraft Effects or sensitivity to Aircraft Effects.
4. Grantor shall not cause or allow the Property to be used in a way that causes a discharge of fumes, smoke, dust, electronic emissions, light emissions, or other land use of any description that obstructs visibility or adversely affects or interferes with the operation of aircraft or any navigational facilities used for aircraft operation. No building, mast or other thing upon the Property shall exceed _____ feet in height.
5. Grantor has been advised and is of the opinion that:
 - 5.1. All or a portion of the Property is located in a noise-influence area.
 - 5.2. Aircraft Effects might be annoying to users of the Property and might interfere with the unrestricted use and enjoyment of the Property.
 - 5.3. Aircraft Effects will likely increase over time.
6. Grantor waives, remises and releases any right, cause of action, or other claim that Grantor has now or may have in the future against, and covenants not to sue, Grantee regarding Aircraft Effects. Grantor makes all of such covenants waivers, remises, and releases on behalf of itself and its successors and assigns in favor of Grantee and its past, present, or future officers, officials, directors, employees, agents, lessees, sublessees, permittees, invitees, successors and assigns.

Grantor hereby warrants and covenants to Grantee and its successors and assigns that Grantor is lawfully seized and possessed of the Property; that Grantor has a good and lawful right to make the conveyance described herein; and that Grantee shall have title and quiet possession against the claims of all persons.

The person executing this document on behalf of a corporation, trust or other organization warrants his or her authority to do so and that all persons necessary to bind Grantor have joined in this document. This document runs with the land in favor of Grantee's successors and assigns.

DATED this ____ day of _____, 20____.

GRANTOR: _____

for _____

for _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

This document was acknowledged before me this ____ day of _____, 20____, by
_____ for and on behalf of _____.

NOTARY PUBLIC

My commission expires:

STATE OF ARIZONA)
) ss.
County of Maricopa)

This document was acknowledged before me this ____ day of _____, 20____, by ____
_____ for and on behalf of _____.

NOTARY PUBLIC

My commission expires:
